

Public Notice – Approval of Water Quality Management Planning Actions

Notice of action: The State Water Control Board (Board) is considering the approval of three Total Maximum Daily Load (TMDL) reports and two TMDL modifications, and granting authorization to include the TMDL reports and modifications in the appropriate Water Quality Management Plans (WQMPs).

Purpose of notice: The Board is seeking comment on the proposed approvals and authorizations. The purpose of these actions is to approve three TMDL reports and two TMDL modifications as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in several impaired waterbodies. These actions are taken in accordance with the Public Participation Procedures for Water Quality Management Planning.

Public comment period: September 27, 2010 to October 27, 2010

Description of proposed action: DEQ staff intends to recommend 1) that the DEQ Director approve the TMDL reports and TMDL modifications listed below as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, and 2) that the DEQ Director authorize inclusion of the TMDL reports and TMDL modifications in the appropriate WQMPs. No regulatory amendments are required for these TMDLs and their associated waste load allocations.

At previous meetings, the Board voted unanimously to delegate to the DEQ Director the authority to approve TMDLs that do not include waste load allocations requiring regulatory adoption by the Board, provided that a summary report of the action the Director plans to take is presented to the Board prior to the Director approving the TMDL reports. The TMDLs included in this public notice will be approved using this delegation of authority.

The TMDLs listed below were developed in accordance with Federal Regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The TMDLs have been through the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDL reports presented under this public notice. The approved reports can be found at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx>

Affected Waterbodies and Localities:

Potomac River & Shenandoah River Basins:

1. *"Bacteria TMDL for (non-tidal) Mill Creek including Un-named Tributary to Kissinger Millpond and Kissinger Millpond"*
 - 1 bacteria TMDL, located in Northumberland County, proposes bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments
2. *Modification for "Fecal Bacteria Total Maximum Daily Load Development for Mattox Creek"*
 - 2 bacteria TMDLs, located in Westmoreland County, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations and primary contact (swimming use) impairments (*modification*)
3. *Modification for "Fecal Bacteria and General Standard Total Maximum Daily Load (TMDL) Development for Impaired Streams in the Middle River and Upper South River Watersheds"*
 - 6 bacteria TMDLs, located in Augusta County, propose bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment (*modification*)

In the Rappahannock River Basin:

4. *"Shellfish Bacteria Total Maximum Daily Load (TMDL) Development for Upper Rappahannock Tidal River, Unsegmented Estuaries in E23, Little Carter Creek, Jugs Creek, Piscataway Creek, Mark Haven Beach, and Garrett's Marina"*
 - 5 bacteria TMDLs, located in Essex, Richmond, Middlesex, Westmoreland, and Northumberland counties, propose bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations

In the York River Basin:

5. *"Bacteria Total Maximum Daily Load (TMDL) Development for the Upper York River Watershed, the Lower Pamunkey River Watershed, and the Lower Mattaponi River Watershed"*
 - 4 bacteria TMDLs, located in King and Queen, King William, and New Kent counties, propose bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations and primary contact (swimming use) impairments

How to comment: The DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

How a decision is made: After comments have been considered, the Board will make the final decision.

To review documents: The TMDL reports and TMDL implementation plans are available on the DEQ web site at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx> and by contacting the DEQ representative named below. The electronic copies are in PDF format and may be read online or downloaded.

Contact for public comments, document requests and additional information:

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